

REMARKS

In the Official Action of September 26, 2008, the Examiner required election of one of the following species:

- I. Embodiment of Figures 1-5.
- II. Embodiment of Figures 6-10.
- III. Embodiment of Figures 11-15.

To be fully responsive, Applicants elect with traverse, to prosecute the embodiment of Species III., i.e. Figures 11-15. It is believed that claims 1-17 are directed at Figures 11-15, corresponding to the election herein.

Applicants also noted that in the Office Action at page 2, after asserting that the application contained Species I-III, it was written that the species were considered independent and distinct because “claims to different species recite the mutually exclusive characteristics of such species.” It was also written that the species herein were not “obvious variants of each other based on the current record.”

Applicants note that the above, with all due respect, did not provide Applicant with an understanding of what “mutually exclusive characteristics” were believed to be present that apparently triggered the restriction. Applicants also note with all due respect that there was no understanding provided as to what was the features in Species I-III that were relied upon for the apparent conclusion that the species were not obvious variants of each other.

Accordingly, by way of traverse, Applicants are of the view that the record herein is one in which Applicants would necessarily have to guess at the rationale advanced in the Office Action, in order to traverse. It is respectfully submitted that procedurally, the Office Action of September 26, 2008 did not provide a sufficient basis for the restriction requirement advanced therein, and it should therefore be withdrawn.

Furthermore, claims 1-17 have been amended herein to replace the phrase “characterized in that” with the phrase “wherein.” Accordingly, no new matter has been entered.

New dependent claim 18 has been added. Support can be found at paragraph 0021 of the published application, U.S. 2007/013040A1. Once again, no new matter has been entered.

It is also submitted that at least independent claim 1 is generic along with claims 2-8 and 11-17. Accordingly, upon allowance of a generic claim, Applicant reserves the right to advance claims to additional species which depend from or otherwise require all limitations of an allowable generic claim as provide in 37 CFR 1.141.

In the event the Examiner deems personal contact in this matter, the Examiner is invited to call the undersigned attorney at 603-668-6560.

In the event there are any fee deficiencies or additional fees are payable, please charge them to our deposit account No. 50-2121.

Respectfully submitted,

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